FOR MYSORE STATE

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E&P.H (1948) Department

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G.O. No. 2088 P H

Dated 18-6-48

[Despatch Abstract.]

LEGISLATIVE COUNCIL QUESTION : ADMISSIONS TO MEDICAL COLLEGES ON CONSIDERATIONS OF MERIT WITHOUT DISCRIMINATION : PAPERS

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

Sub: LEGISLATIVE COUNCIL QUESTION - Admissions to Medical Colleges on considerations of merit without discrimination - Papers.

** ** ** **

This question has lapsed and no further action seems necessary. The papers may be recorded. Go ms.No. 2088 P.H dated 18/6/48

xx/17.6.48
Dy.Secretary

Abstract: LEGISLATIVE COUNCIL QUESTION - Admissions to Medical Colleges on considerations of merit without discrimination Papers recorded.

Draft answer to Legislative Council Starred Question No.186.

STARRED:
SRI N. BHIMA RAO, M.L.C.,

*Question:
Will the Honourable the Minister for Public Health be pleased to state -

(a) whether the Government propose to admit students into Medical Colleges on considerations of merit only and without any discrimination as laid down in the new draft constitution framed by the Constituent Assembly; and

(b) whether the Government intend to regulate admissions of students into Medical colleges in considerations of merit to a certain extent only and, if so, to what extent.

Answer.

(a) With effect from the academic year 1947-48, the Government have abolished the reservation of 20 per cent of the seats in the Medical Colleges for candidates selected purely on grounds of merit. It is not proposed to revive this reservation which was in force in 1946-47 only. Selection of candidates will continue to be made according to the communal proportion rule and this does not contravene provisions of article 37 of the Draft Constitution.

xx/26.5.48
Dy.Secy.

C.O.Coorey/26.5.48
Joint Secretary.

A.B.S(hetty)/4-6-1948
H.M. (P.H.)

LEGAL DEPARTMENT.

Sub: ADMISSION INTO COLLEGES - COMMUNAL PRINCIPLE.

The M.L.C. has evidently clause 23 (2) of the Draft Constitution of India in mind. That clause is in the following terms:-

"No minority whether based on religion, community or language shall be discriminated against in regard to the admission of any person, belonging to such minority into any educational institution maintained by the State."

If a person belonging to a regiligious or communal minority is denied admission into a State educational institution on the ground of his belonging to such minority, the above clause will have been contravened. The test as to whether there has been discrimination or not is this: would the person concerned have been admitted if he had belonged to some other, or the majority, community? If the answer is "YES" there has been discrimination within the meaning of clause 23 (2) and this is not permissible. A rule allocating seats in the Government colleges in a fixed proportion as between the different communities, and having the effect of denying admission to a better qualified member of a minority community on the ground that the quota fixed for his community will be exceeded if he is admitted cannot be valid after clause 23 (2) has come into operation.

But the Constitution is in the draft stage yet and it is for Government to consider whether any amendment should be moved to clause 23 (2) so as to validate the existing rules for admission into Government colleges. The question raised is one of considerable and far-reaching importance.

K.V.R./30-3-48

P.V.B/31.3.1948

/True copy/

Superintendent,
Madras Record Office, Egmore.

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